

REMARKS

Claims 1, 2, and 4-30, and 32-33, and 35, and 37-66 are pending in this application and are subject to restriction.

The September 23, 2009 office action sets forth a restriction to one of the following inventions:

I. Claims 16-19, 52 and 55, drawn to analogues of cyclic adenosine 3', 5'-monophosphate with substituents optionally present at N⁶, at C-8, at C-2', and attached to the phosphate-bonded divalent oxygen, pharmaceutical compositions thereof and methods of disease treatment therewith, classified in Class 536, subclass 26.13 and Class 514, subclass 47.

II. Claims 23-28 and 56-61, drawn to isosters of cyclic adenosine 3', 5'-cyclic phosphate wherein one or two adeninyl ring nitrogens have been replaced with carbon with substituents optionally present at multiple locations on the N-heteroring, at C-2', and attached to the phosphate-bonded divalent oxygen, pharmaceutical compositions thereof and methods of disease treatment therewith, classified in Class 536, subclasses 26.11 and 26.12 and Class 514, subclasses 43 and 48.

On September 16, 2009, prior to the mailing of the office action, the undersigned had a telephone discussion with the Examiner to discuss an oral election. At that time, it was applicant's understanding the claims would be restricted to those embodiments where the compound of formula (I) would be limited to adenosine and its analogs.

After the September 23 office action, a second telephone conference was held with the Examiner to discuss the foregoing. At that time, Applicant proposed the above amendments to R₃ which would make claims 1, 32, and 33 generic claims for adenosine analogs rather than linking claims. It is believed that the foregoing amendments and withdrawn claims, addresses the Examiner's concerns regarding the burden of the search required for compounds wherein R₃ includes non-adenosine analogs.

Accordingly, elects Group I wherein claims 1, 15-18, 33 and 48-51 have been amended to read upon adenosine and its analogs. Claims 22 and 55 have been amended to list each of the compounds on separate lines and to correct gramatical errors. In addition, claim 22 has been

amended to delete a non-adenosine compound. Claims 23-28 and 56-61 have been withdrawn as be directed to a non-elected invention, namely deaza-analogs.

While Applicants believe that no further fees are due at this time, the Commission is authorized to charge any fees that may be due as a result of filing this amendment, including additional claim fees not already paid for, or other fees that have not been separately paid, to Deposit Account 50-0310 (Our Order No.: 067670-5004-US).

Please direct any calls in connection with this application to the undersigned at (415) 442 1255.

Respectfully submitted,
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Dated: December 23, 2009

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filed under 37 C.F.R. §1.34